



July 18, 2024

**VIA CM/ECF**

Judge Lawrence J. Vilardo  
United States District Judge  
Robert H. Jackson United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202

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**Re: *Gordon v. The State University at Buffalo, et al.*, No. 1:23-cv-00640 (W.D.N.Y.)**

Dear Judge Vilardo:

On behalf of Defendant Blackstone Inc. (“Blackstone”), we respectfully request that the Court disregard Plaintiff’s sur-reply, purportedly filed in opposition to Blackstone’s Motion to Dismiss the Amended Complaint (the “Motion”). The Court directed Plaintiff to file a response no later than June 20, 2024 (ECF No. 13), and Plaintiff did that by filing his Opposition on June 14, 2024 (ECF Nos. 16, 17). Blackstone timely replied on July 8, 2024 (ECF No. 19), and briefing concluded on July 8, 2024. “Absent permission by the Judge hearing the motion, sur-reply papers are not permitted.” *See* Local Rule 56.1(e).

Nor are there any legitimate grounds to permit a sur-reply here. Plaintiff now asks for discovery to investigate unspecified “relationships and potential liabilities.” ECF No. 20. As before, Plaintiff does not identify any potential facts or assert any allegations that might support a claim under Section 1983 against Blackstone Inc. or The Blackstone Charitable Foundation. That is because no amount of discovery can cure the Amended Complaint’s fundamental defect that Blackstone Inc. and The Blackstone Charitable Foundation are *private entities*, not cognizable under Section 1983 pursuant to which Plaintiff brings this case.

The Court should strike Plaintiff’s Opposition to Blackstone Inc.’s Motion to Dismiss, ECF No. 20, as unauthorized and unwarranted.

Respectfully Submitted,

/s/ John Ansbro

John Ansbro

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*\*pro hac vice application forthcoming*

*Counsel for Blackstone Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of July 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I also HEREBY CERTIFY a copy of the foregoing document was served on Plaintiff, listed below, via email and regular first class mail:

Jameel Gordon, *In Propria Persona*  
849 E. 228th Street  
Bronx, NY 10466  
jameel@jameelgordon.com

I certify under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2024.

/s/ Sarah Shyy

Sarah Shyy

*Counsel for Blackstone Inc.*